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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUIS GONZALEZ and JULIO SANCHEZ  
ESPINOZA,

Plaintiffs,

-against-

H.K. SECOND AVE RESTAURANT INC.,  
SHAHEEN KHAN, and MAHA KHONDOKER,

Defendants.

1:20-cv-4271-(MKV)

**ORDER**

MARY KAY VYSKOCIL, United States District Judge:

Plaintiffs initiated this action by filing a complaint on June 4, 2020. [ECF No. 1]. Thereafter, Plaintiffs obtained from the Clerk of Court certificates of default, [ECF Nos. 26-28], and moved for default judgment against Defendants. [ECF No. 32]. The Court received a letter [ECF No. 41] filed by Plaintiffs dated November 3, 2021, seeking leave to amend the complaint [ECF No. 1] to include “supplementary information” with respect to the employer-employee relationship in this case. The Court granted that request, striking the certificates of default, and directed Plaintiffs to file their amended complaint by November 19, 2021 and to serve the Defendants. [ECF No. 43]. Plaintiffs filed their amended complaint on November 15, 2021. [ECF No. 46].

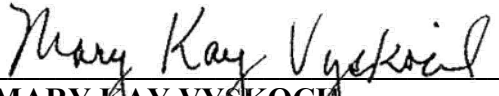
An affidavit of service of summons and complaint with respect to Defendant H.K. Second Ave Restaurant was filed on the docket on November 30, 2021. [ECF No. 53]. According to that summons, Defendants H.K. Second Ave Restaurant’s response to the amended complaint was due December 10, 2021. [ECF No. 53]. Affidavits of service of summons and complaint with respect to Defendants Shaheen Khan and Maha Khondoker were filed on the docket on December 8, 2021. [ECF Nos. 54-55]. According to those summonses, the responses

of Defendants Shaheen Khan and Maha Khondoker were due December 9, 2021. [ECF Nos. 54-55]. To date, no responses have been filed by any Defendant, and Plaintiffs have not prosecuted this case.

Accordingly, IT IS HEREBY ORDERED that Plaintiffs shall obtain certificates of default from the Clerk of the Court by March 16, 2022. Thereafter, Plaintiffs must promptly move for a default judgment in this case. Plaintiffs are directed to follow the procedures applicable to default judgments under the Court's Individual Rules and Practices for Civil Cases, available at the Court's website. **Failure to obtain certificates of default or to move for a default judgment may result in dismissal of this action for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.** *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001).

**SO ORDERED.**

**Date: March 2, 2022**  
**New York, NY**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**